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the slot into the interior of the insulated form for embedment within the concrete, pouring concrete into the form, allowing it to set, and attaching the header or rim joist to the brackets.

Kindly insert new Claims 15 and 16 as follows:

--15. A bracket as claimed in 7 wherein the unitary metal body is formed from a 14 to 16 gauge steel sheet.

16. A method as claimed in claim 14 wherein the unitary metal body of the bracket is formed from a 14 to 16 gauge steel sheet.--

REMARKS

Claims 1 to 16 now stand in the application. Reconsideration and reexamination on the basis of the claims as amended and the following remarks is respectfully requested.

As requested, the abstract has been amended to be in the proper language and format.

Claims 1 to 5 have been rejected under 35 USC 102(b) as being anticipated by Bourassa et al. Applicant respectfully traverses the rejection.

Bourassa et al describe a stud bracket used for mounting an electrical wiring box to a metal stud. As set forth in column 1, lines 36 and 37 and in column 2, lines 65 and 66, the bracket of Bourassa is made of a hand deformable material to allow the bracket to be bent by hand so that it may be easily attached to a metal stud. This is shown in Figures 2 through 7 and described in Column 3, beginning in line 25 of Bourassa. In contrast, the bracket of the present invention is used for attaching header and rim joists to concrete walls produced utilizing insulated forms. As such, the bracket must be dimensioned to properly support the loads encountered in floor systems constructed utilizing the bracket of the present invention. As set forth on page 6, line 11 to 13, of the present application, the bracket is formed of a suitable strength metal preferably a 12 or 16 gauge steel sheet material. While it is the

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Applicant's position that the bracket of claim 1 of the present application inherently had to have the capability of supporting the load of the header or rim joists, Applicant has amended claim 1 to recite that the bracket is a unitary metal body dimensioned to support the load of a header or rim joist. A similar amendment has been made in claim 8. In view of all the above, it is respectfully submitted that claims 1 to 5 are not anticipated by Bourassa.

Claim 6 had been rejected under 35 USC 103(a) as being unpatentable over Bourassa et al. For the reasons set forth above with respect to claims 1 to 5, it is respectfully submitted that as Bourassa does not teach or suggest a bracket suitable for supporting the load of a header or rim joist, it would not have been obvious to modify Bourassa to provide such a bracket.

Claim 7 had been rejected under 35 USC 103(a) as being unpatentable over Bourassa et al in view of "Simpson Strong-Tie Connectors" catalog item, page 48, hanger LSU26. As set out above, Bourassa teaches a lightweight hand deformable bracket for attaching electrical boxes to metal studs. The Simpson Strong-Tie catalog, LSU26, is a joist hanger bracket used for attaching sloped or skewed joists to headers. There is no teaching in the combination of Bourassa and Simpson Strong-Tie to enable one of skill in the art to develop the bracket of the present invention, as one would not be lead by the teaching of Bourassa to produce a bracket for attaching a header or rim joists to concrete forms.

Claims 8 to 13 have been rejected under 35 USC 103(a) as being unpatentable over Tobin et al in view of Bourassa et al. Tobin et al describes a form tie for holding the foam panels of insulated concrete forms in the proper spaced apart relationship. The form tie of Tobin is similar in structure to the bridging members 18 illustrated in Figure 1 of the present application. As described in Tobin in column 2, beginning in line 57, the form ties are made of an extruded plastic material such as polypropylene, nylon or polyethelene. As such, the ties would not have the load carrying capacity to allow them to support the load of a header or rim joist. One of skill in the art would not combine the teachings of Bourassa et al and Tobin et al as the patents are directed to totally different applications, one being the attachment of electrical boxes to metal studs and the other being a tie for holding

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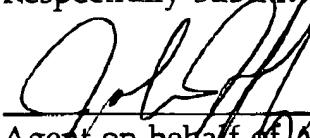
insulated forms for constructing concrete walls. Accordingly, it is respectfully submitted that Claims 8 to 13 are not obvious in view of Bourassa et al and Tobin et al.

Claim 14 has been rejected under 35 USC 103(a) as being unpatentable over Tobin et al in view of Bourassa et al and Simpson Strong-Tie Connector. For the reasons set forth above, it is respectfully submitted that one of skill in the art would not combine the teachings of the three cited references in the manner suggested by the Examiner. The three references are all directed to different aspects of construction, Bourassa being directed to the bracket for attaching electrical boxes to metal studs, Tobin et al being directed to a tie for tying together insulated forms for concrete walls and Simpson Strong-Tie being directed to a sloped joist hanger for attaching a joist to a header or rim joist.

CONCLUSION

In view of all the foregoing, it is respectfully submitted that the Application is allowable and early allowance is hereby requested.

Respectfully submitted,



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TOTAL P.08

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